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*Attorneys for Desert Sun Enterprises
Limited d/b/a Convention Technical Services*

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION
357, AFL-CIO,

Respondent,

and

DESERT SUN ENTERPRISES LIMITED d/b/a
CONVENTION TECHNICAL SERVICES

Charging Party.

Case No.: 28-CC-115255

**SUPPLEMENT TO DESERT SUN
ENTERPRISES LIMITED d/b/a
CONVENTION TECHNICAL
SERVICES' MOTION TO
SUPPLEMENT RECORD WITH
NEWLY DISCOVERED EVIDENCE**

Charging Party Desert Sun Enterprises Limited d/b/a Convention Technical Services (“CTS”) filed on May 19, 2015 at 11:52 a.m. (Pacific Time) “Desert Sun Enterprises Limited d/b/a Convention Technical Services’ Motion to Supplement Record With Newly Discovered Evidence” (herein “Motion to Supplement”). The evidence addressed in the Motion to Supplement consists of two affidavits of CTS’ employees, Manny Alonzo and Frank Barrese. Also on May 19, 2015 at approximately 1:34 p.m. (Pacific Time) CTS received a copy of the attached letter from International Union of Operating Engineers Local 501 (“IUOE”) addressed to Regional Director Cornele Overstreet, Region 28, and dated April 24, 2015 (the “Repudiation Letter”). The

1 Repudiation Letter is authenticated by the affidavit of Myla Yahraus also attached. CTS hereby
2 moves the Board to consider the Letter, as it considers the affidavits, and that it reopen the record
3 and remand to accept all of the evidence regarding Respondent's organizational intent in its threat to
4 picket. The Repudiation Letter, along with the affidavits, should be admitted for the same reasons
5 set forth in the Motion to Supplement. These documents make it more imperative to remand.¹ In
6 its Exceptions, CTS continued to assert that the case should be remanded to accept that evidence
7 (CTS' Exceptions to ALJ Decision, ¶ 4) which, with the recent developments, such as the
8 Repudiation Letter from IUOE and the overt organizing activity of Respondent IBEW, support such
9 remand to receive all relevant evidence.
10

11 Respectfully submitted,

12 HEJMANOWSKI & McCREA LLC
13

14
15 By: /s/ Gregory E. Smith
16 Gregory E. Smith
17 Nevada Bar No. 1590
18 520 South Fourth Street, Suite 320
19 Las Vegas, NV 89101

20 *Attorneys for Desert Sun Enterprises*
21 *Limited d/b/a Convention Technical Services*
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27 ¹ As the ALJ notes in footnote 1 of his Decision, CTS has already requested the right to
28 submit "additional evidence in support of its argument that the Respondent's conduct was
unlawful and masked a secondary intent." He summarized some of that evidence but "denied the
Charging Party's request to present such evidence." *Id.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **SUPPLEMENT TO DESERT SUN ENTERPRISES LIMITED d/b/a CONVENTION TECHNICAL SERVICES' MOTION TO SUPPLEMENT RECORD WITH NEWLY DISCOVERED EVIDENCE** was served via E-Gov, E-Filing, on this 21st day of May, 2015, on the following parties:

Gary Shinnors
Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

And a true and correct copy was served via e-mail on this 21st day of May, 2015 to the following:

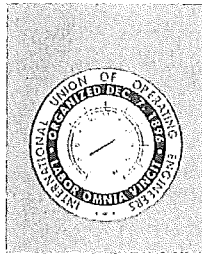
Nathan A. Higley
Counsel for the General Counsel
National Labor Relations Board, Region 28
600 Las Vegas Blvd. South, Suite 400
Las Vegas, NV 89101
E-mail: nathan.higley@nlrb.gov

Michael A. Urban
THE URBAN LAW FIRM
4270 S. Decatur Blvd., Suite A-9
Las Vegas, NV 89103
E-mail: murban@theurbanlawfirm.com

Nathan R. Ring
THE URBAN LAW FIRM
4270 S. Decatur Blvd., Suite A-9
Las Vegas, NV 89103
E-mail: nring@theurbanlawfirm.com

/s/ Rosalie Garcia
An employee of Hejmanowski & McCrea LLC

INTERNATIONAL UNION OF OPERATING ENGINEERS
AFFILIATED WITH AFL-CIO
www.Local501.org



Southern California
Southern Nevada
301 Deauville Street
Las Vegas, Nevada 89106
Tel (702) 382-8452
Fax (702) 386-5813

EDWARD J. CURLY

BUSINESS MANAGER
LOCAL 501

April 24, 2015

Cornele A. Overstreet
Regional Director
National Labor Relations Board, Region 28
1600 North Central Avenue, Suite 1800
Phoenix, Arizona 85004

Ref: Convention Technical Services Bargaining Unit

Mr. Overstreet,

I am writing you this letter to inform you that, effective immediately, International Union of Operating Engineers Local 501 waives and disclaims any right to representation of members of the bargaining unit which it formally represented, working for Convention Technical Services.

Your prompt response into this matter is appreciated. If I can be of any assistance in this matter, please feel free to contact me at my office.

Sincerely,
IUOE Local 501 – Las Vegas

Thomas O'Mahar,
President – Lead Business Representative

cc: Edward Curly – Business Manager
David Paulson – General Manager; Convention Technical Services

AFFIDAVIT OF MYLA YAHRAUS

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Myla Yahraus, being duly sworn upon her oath, hereby deposes and says that:

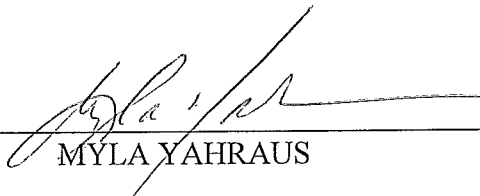
1. I am the office manager for Convention Technical Services, Inc. ("CTS") and I have personal knowledge of the facts set forth in this affidavit.

2. Sometime on May 19, 2015, one of CTS' employees called the office and said the union that represented our employees, Operating Engineers Union Local 501, had told him that he was behind in his dues and he needed to catch up. I think he called me because I am in charge of the office procedures, including payment of union dues deductions and union pension benefit contributions.

3. I called the union hiring hall and spoke with Anita, an employee of the union with whom I have dealt before. I told her about the employee's comments about his dues payments and she responded that, you people have been disclaimed and you should stop making payments. I told her that I had not heard anything official about that and that I needed something in writing. She told me that I needed to speak with Thomas O'Mahar, the President and Lead Business Representative of Local 501.

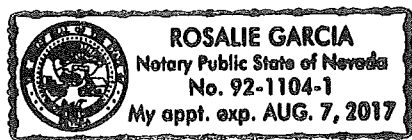
4. I called Mr. O'Mahar and apprised him of the same facts. He told me that he would send me a copy of the letter disclaiming the representation of our employees. Just a few minutes after that conversation, I received an e-mail from Thomas O'Mahar, a true and correct copy of which is attached hereto. The e-mail had a letter attachment, a true and correct copy of which is also attached here. It is the disclaimer letter dated April 24, 2015 addressed to Cornele Overstreet, the Regional Director of Region 28 of the National Labor Relations Board.

5. Shortly after that, Thomas O'Mahar called me to confirm that I had received a copy of the letter and I told him I had.


MYLA YAHRAUS

SUBSCRIBED and SWORN to before me
this 21st day of May, 2015 by Myla Yahraus.


NOTARY PUBLIC



----- Original Message -----

Subject: Disclaim Letter

From: Tom O'Mahar <tom@local501.org>

To: myarus@aol.com

CC:

Myla,

Attached please find a copy of the letter that was sent disclaiming IUOE Local 501's interest in representing members of the bargaining unit at CTS. Please call me if I can be of any further assistance.

Thomas O'Mahar

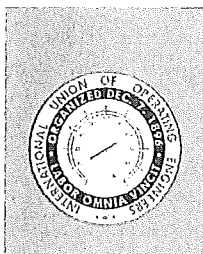
President – Lead Business Representative

IUOE Local 501

702-382-8452

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